

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

BOSTON DIVISION
DOCKET NO. 05-11682

L & T YACHT SALES, INC.)
PLAINTIFF,)
)
VS.)
)
POST MARINE CO., INC.)
DEFENDANT)
)

**PLAINTIFF, L & T YACHT SALES, INC.'S OPPOSITION TO DEFENDANT
POST MARINE, INC.'S 'S MOTION FOR SUMMARY JUDGMENT**

Now comes Plaintiff, L & T Yacht Sales, Inc., and respectfully opposes the Defendant's Supplemental Motion for Summary Judgment.

As grounds and in support thereof, that Plaintiff states that there are disputed issues of material fact that must be resolved by a trial on the merits and that the Defendant is not entitled to judgment against the Plaintiff as a matter of law. In support hereof, Plaintiff submits its memorandum in support hereof.

Moreover, the issues raised in the Defendant's Motion have already been addressed by the Court and the Defendant has not sought leave to file its Motion outside of the time limits required by the Court (and one month prior to trial).

WHEREFORE, the Plaintiff respectfully requests that the Defendant's Motion for Summary Judgment be denied .

The Plaintiff,
By its Attorneys,

/s/ John E. Zajac

John E. Zajac, Esquire BBO # 560195
170 High Street
Taunton, MA 02780
(508) 821-2552

CERTIFICATE OF SERVICE

I, John E. Zajac, Esquire this 1st day of February, 2008 have given notice of the within Plaintiff's Motion to Strike, by e-mail service, via the Court's CM/ECF system which sent notification of such filing to Howard M. Brown, Esquire, Bartlett Hackett Feinberg P.C., 155 Federal Street, 9th floor, Boston, MA 02110 and by regular mail, postage pre-paid to Michel O. Weisz, Esquire, BERGER SINGERMAN, 200 South Biscayne Boulevard, Suite 1000, Miami, FL 33131

/s/ John E. Zajac

John E. Zajac, Esquire